



Paper No. 7

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In re Application of :
Tummala, R. et al. :
Application No. 09/677,274 : Letter re Nonpublication Request
Filed: October 2, 2000 :
For: AAA BROKER SPECIFICATION :
AND PROTOCOL :

This is in reply to the "Nonpublication Request Under 35 U.S.C. § 122" which was filed on January 2, 2002 (certificate of mailing date December 5, 2001). The application was forwarded by Technology Center 2100 to the undersigned for consideration of the request.

The Nonpublication Request cannot be granted, and is moot.

On October 2, 2000 this application was filed.

On January 2, 2002 a request for nonpublication was received.

A request and certification under 35 U.S.C. 122(b)(2)(B)(ii) for nonpublication must be submitted on filing of an application. See, 37 CFR 1.213(a)(1). The instant request and certification was not submitted on filing of the application. Therefore, the request and certification cannot be granted.

Further, a request and certification under 35 U.S.C. 122(b)(2)(B)(ii) may only be filed in an application subject to publication under 35 U.S.C. 122(b) and 37 CFR 1.211. See, 37 CFR 1.213(a). Only plant and utility applications filed on or after November 29, 2000 are subject to publication under 35 U.S.C. 122(b) and 37 CFR 1.211. See, Changes to Implement Eighteen-Month Publication of Patent Applications, 65 Fed. Reg. 57023, 24 (September 20, 2000). As this application is not subject to publication under 35 U.S.C. 122(b), the request for nonpublication under 35 U.S.C. 122(b)(2)(B)(ii) is moot.

This application has been forwarded to Technology Center 2100.

Questions regarding this notice may be directed to Robert Clarke at (703) 305-9177.

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